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**Attorneys for Third-Party Defendant  
Federated Mutual Insurance Company**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

SIERRA BAY CONTRACTORS, INC., a  
California Corporation,

**Plaintiff,**

VS.

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY, a Georgia  
Corporation, and ROES 1 through 50, inclusive,

**Defendants,**

## AND RELATED THIRD-PARTY CLAIMS

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF THIRD-PARTY DEFENDANT FEDERATED MUTUAL INSURANCE COMPANY**

Pursuant to F.R.C.P. 41, Third-Party Defendant Federated Insurance Company ("Federated") and Third-Party Claimant Westchester Surplus Lines Insurance Company ("Westchester") have agreed and hereby stipulate to the dismissal of Federated from this action, with prejudice, subject to said parties' mutual waiver of costs. Said parties request the Court's approval and execution of the below proposed order for dismissal.

1 IT IS SO STIPULATED.  
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Dated: August 15, 2011

LAW OFFICES OF SEMHA ALWAYA,  
A PROFESSIONAL CORPORATION

5 By:

*Semha Alwaya*  
6 Semha Alwaya

7 Counsel for Third-Party Defendant

8 FEDERATED MUTUAL INSURANCE COMPANY

9 Dated: August 26, 2011

10 MORALES FIERRO & REEVES, LLP,

11 By:

*David A Astengo*  
12 David A Astengo

13 Counsel for Third-Party Defendant

14 WESTCHESTER SURPLUS LINES  
15 INSURANCE COMPANY

16 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

17 Having reviewed the above stipulation, the Court orders that Third-Party Claimant  
18 Westchester Surplus Lines Insurance Company's claims against Third-Party Defendant Federated  
19 Mutual Insurance Company be dismissed, without prejudice. The remainder of the third-party  
20 complaint shall not be changed or impacted by this Order.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 *Richard Seben*  
23  
24 United States District Court  
25 District of Northern California  
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